



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,305	09/06/2005	Ryoji Hayashi	09867/0202189-US0	6456
7278	7590	11/13/2007		
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER GEBREMICHAEL, BRUK A	
			ART UNIT 4138	PAPER NUMBER
			MAIL DATE 11/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,305

Applicant(s)

HAYASHI, RYOJI

Examiner

Bruk A. Gebremichael

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :02/08/2005, 09/05/2007, 09/27/2007.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In this claim, the phrase "can" in second line renders the claim indefinite because it is unclear whether the limitation following this phrase is part of the claimed invention.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yavetz 4,938,483 in view of Nishiyama 2003/0060287.

Regarding claim 1, Yavetz discloses the following claimed limitations: a remote control system comprising a transmitter and a movable machine remote-controlled on the basis of a control signal transmitted from the transmitter (FIG 2, label 12 and FIG 7, label 16), discriminating at least one combination of the transmitter and the movable machine to be controlled by the transmitter on the basis of first identification information transmitted from the transmitter (col.4, lines 56-67), a characteristic information recognition device for recognizing the characteristic information concerning the movable machine to be controlled (col.3, lines 25-28), a second identification information transmission device for transmitting second identification information, which specifies the movable machine to be controlled on the basis of the recognized characteristic information (col.4, lines 56-67), and the movable machine comprising a discrimination device for determining whether remote control conducted by the transmitter that has transmitted the second identification information is allowed, on the basis of the received

Art Unit: 3714

second identification information (col.7, lines 38-42), and a remote control prohibition device responsive to discrimination that the remote control is not allowed, for prohibiting the remote control by the transmitter that has transmitted the second identification information, irrespective of whether the combination based on the first identification information is established (col.7, lines 46- 50).

However, Yavetz does not positively disclose the transmitter having a recording medium on which characteristic information associated with movable machine recorded thereon.

Nishiyama teaches a transmitter having a recording medium on which characteristic information associated with a movable machine recorded thereon (Para.0045).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Yavetz in view of Nishiyama by using a storage medium in order to store information data of the mobile unit, as taught by Nishiyama (Para.0043, lines 1-8 and Para.0045).

Yavetz in view of Nishiyama teaches the claimed limitations as discussed above. Nishiyama further teaches,

Regarding claim 2, wherein the recording medium is detachably attached to the transmitter (FIG 4, label 20 and Para.0083, lines 1-5), and

Regarding claim 3, wherein writing into the recording medium is not conducted by users (Pata.0046).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Yavetz in view of Nishiyama by using a detachable storage medium in order to allow the user to exchange with a different game medium, as taught by Nishiyama (Para.0083).

Regarding claim 4, Yavetz discloses the movable machine having a discrimination device that determines whether the remote control is allowed on the basis of the characteristic information of itself and the received second identification information (col.8, lines 42-53).

However, Yavetz does not disclose, the movable machine having a storage device for storing information based on the characteristic information associated with itself.

Nishiyama teaches a movable machine having a storage device for storing information based on the characteristic information associated with itself (Para.0050, lines 5-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Yavetz in view of Nishiyama by incorporating a storage medium in the movable machine in order to store program and process information data based on the program stored, as taught by Nishiyama (Para.0050, lines 5-9).

Yavetz in view of Nishiyama teaches the claimed limitations as discussed above. Yavetz further discloses,

Regarding claim 5, the movable machine comprising a remote control enabling device for enabling the movable machine to be remote-controlled on the basis of the first identification information after the discrimination device has judged the remote control to be allowed (col.7, lines 46-50).

Regarding claim 6, the movable machine comprises a discriminant for determining whether the movable machine should operate on the basis of the control signal the remote control enabling device enables the remote control on the basis of the first identification information, by controlling the discriminant (col.8, lines 42-53).

Regarding claim 7, a transmitter excluding device for disabling the remote control conducted by another transmitter except for the transmitter enabled first by the discrimination device, even if the other transmitter is the transmitter to control the movable machine on the basis of the first identification information (col.8, lines 28-39).

Regarding claim 8, the transmitter excluding device disables the remote control conducted by the other transmitter, by using information based on transmission timing of the control signal transmitted by the transmitter (col.4, lines 56-67 and col.5, lines 1-9).

Regarding claim 9, the characteristic information comprising information concerning control laws characteristic to the movable machine associated with the characteristic information (col.4, lines 10-31), the transmitter comprising a control signal transmission device for creating a control signal based on the control laws and transmitting the created control signal (col.3, lines 60-63).

Regarding claim 10, Yavetz discloses the following claimed limitations: a movable machine moved by a control signal supplied from a transmitter, which is combined with

the movable machine on the basis of first identification information (col.2, lines 49-59), the movable machine comprising a discrimination device responsive to transmission of second identification information based on the characteristic information transmitted from the transmitter for determining whether remote control conducted by the transmitter that has transmitted the second identification information is allowed, on the basis of the received second identification information (col.8, lines 42-53), a remote control prohibition device responsive to discrimination that the remote control is not allowed, for prohibiting the remote control by the transmitter that has transmitted the second identification information, irrespective of whether a combination based on the first identification information is established (col.7, lines 46-50).

However, Yavetz fails to positively disclose the movable machine comprising a recording medium having characteristic information of the movable machine itself recorded thereon.

Nishiyama teaches a movable machine comprising a recording medium having characteristic information of the movable machine itself recorded thereon (Para.0050, lines 5-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Yavetz in view of Nishiyama by incorporating a storage medium in the movable machine in order to store program and process information data based on the program stored, as taught by Nishiyama (Para.0050, lines 5-9).

Regarding claim 11, Yavetz in view of Nishiyama teaches the claimed limitations as discussed above. Nishiyama further teaches, the recording medium can be separated from the movable machine (Para.0108, lines 6-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Yavetz in view of Nishiyama by incorporating a detachable storage medium in the movable machine in order to directly send information data to the movable machine using a memory card, as taught by Nishiyama (Para.0108, lines 6-12).

Regarding claim 12, Yavetz in view of Nishiyama teaches the claimed limitations as discussed above. Yavetz further discloses, the discrimination device determines whether the remote control conducted by the transmitter that has transmitted the second identification information is allowed, on the basis of information based on the characteristic information of itself and the received second identification information (col.8, lines 42-53).

Regarding claim 13, Yavetz discloses, a transmitter (FIG 2, label 12) for remote-controlling a movable machine combined as a control object with the transmitter subject on the basis of first identification information (col.3, lines 3-7), the transmitter comprising a characteristic information recognition device for recognizing characteristic information of the movable machine (col.3, lines 25-28), a second identification information transmission device for transmitting second identification information, which specifies the movable machine to be controlled, on the basis of the recognized characteristic information (col.4, lines 56-67).

However, Yavetz fails to positively disclose, the transmitter having a recording medium on which characteristic information of the movable machine is recorded.

Nishiyama teaches a transmitter having a recording medium on which characteristic information of the movable machine is recorded (Para.0045 and Para.0046).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Yavetz in view of Nishiyama by using a storage medium in order to store program and information data of the mobile unit, as taught by Nishiyama (Para.0043, lines 1-8 and Para.0045).

Regarding claim 14, Yavetz discloses, a remote control system comprising a transmitter (FIG 2, label 16) and a movable machine (FIG 7, label 16) remote-controlled on the basis of a control signal transmitted from the transmitter (col.3, lines 60-63), a characteristic information recognition device for recognizing the characteristic information associated with the movable machine to be controlled (col.3, lines 25-28), a movable machine specification information transmission device for transmitting movable machine specification information that specifies the movable machine to be controlled, on the basis of the recognized characteristic information (col.4, lines 56-67), the movable machine comprising a discrimination device for determining whether remote control conducted by the transmitter that has transmitted the movable machine specification information is allowed, on the basis of the received movable machine specification information (col.8, lines 42-53), and a remote control prohibition device responsive to discrimination that the remote control is not allowed, for prohibiting the

Art Unit: 3714

remote control by the transmitter that has transmitted the movable machine specification information (col.7, lines 46-50).

However, Yavetz does not positively disclose the remote control system comprising a recording medium having characteristic information associated with the movable machine recorded thereon.

Nishiyama teaches, a remote control system comprising a recording medium having characteristic information associated with the movable machine recorded thereon (Para.0043, lines 1-8 and Para.0045).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Yavetz in view of Nishiyama by using a storage medium in order to store program and information data of the mobile unit, as taught by Nishiyama (Para.0043, lines 1-8 and Para.0045).

Regarding claim 15, Yavetz in view of Nishiyama teaches the claimed limitations as discussed above. Nishiyama further teaches, the recording medium is detachably attached to the transmitter (FIG 4, label 20 and Para.0083).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Yavetz in view of Nishiyama by using a detachable storage medium on the transmitter in order to allow the user to exchange for different game medium, as taught by Nishiyama (Para.0083).

Regarding claim 16, Yavetz in view of Nishiyama teaches the claimed limitations as discussed above. Yavetz further discloses, the characteristic information comprises information concerning control laws characteristic to the movable machine associated

Art Unit: 3714

with the characteristic information (col.4, lines 10-31), the transmitter comprises a control signal transmission device for creating the control signal based on the control laws and transmitting the created control signal (col.3, lines 60-63).

Regarding claim 17, Yavetz discloses, a movable machine moved by a control signal supplied from a transmitter the movable machine comprising a discrimination device responsive to transmission of identification information based on recognized characteristic information transmitted from the transmitter, for determining whether remote control conducted by the transmitter that has transmitted the identification information is allowed, on the basis of received identification information (col.8, lines 42-53), a remote control prohibition device responsive to discrimination that the remote control is not allowed, for prohibiting the remote control by the transmitter that has transmitted the identification information (col.7, lines 46-50).

However, Yavetz fails to positively disclose the movable machine comprising a recording medium having characteristic information of the movable machine itself recorded thereon.

Nishiyama teaches a movable machine comprising a recording medium having characteristic information of the movable machine itself recorded thereon (Para.0050, lines 5-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Yavetz in view of Nishiyama by incorporating a storage medium in the movable machine in order to store program

Art Unit: 3714

and process information data based on the program stored, as taught by Nishiyama (Para.0050, lines 5-9).

Regarding claim 18, Yavetz in view of Nishiyama teaches the claimed limitations as discussed above. Nishiyama further teaches, the recording medium is detachably attached to the movable machine (Para.0108, lines 6-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Yavetz in view of Nishiyama by incorporating a detachable storage medium in the movable machine in order to directly send information data to the movable machine using a memory card, as taught by Nishiyama (Para.0108, lines 6-12).

Regarding claim 19, Yavetz in view of Nishiyama teaches the claimed limitations as discussed above. Yavetz further discloses, the discrimination device determines whether the remote control conducted by the transmitter that has transmitted the identification information is allowed, on the basis of information based on the characteristic information of itself and the received identification information (col.8, lines 42-53).

Regarding claim 20, Yavetz discloses, a transmitter (FIG 2, label 12) for remote-controlling a movable machine (FIG 7, label 16), the transmitter comprising a characteristic information recognition device capable of recognizing characteristic information of the movable machine (col.3, lines 25-28), an identification information transmission device for transmitting identification information, which specifies the

Art Unit: 3714

movable machine to be controlled on the basis of the recognized characteristic information (col.4, lines 56-67).

However, Yavetz does not positively disclose the transmitter having a recording medium on which characteristic information of the movable machine is recorded.

Nishiyama teaches a transmitter having a recording medium on which characteristic information of a movable machine is recorded (Para.0045).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Yavetz in view of Nishiyama by using a separable storage medium on the transmitter in order to store information data of the mobile unit, as taught by Nishiyama (Para.0043, lines 1-8 and Para.0045).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruk A. Gebremichael whose telephone number is (571)270-3079. The examiner can normally be reached on Monday to Friday (7:30AM-5:00PM) ALT. Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



B.G.
11/08/2007.



XUAN M. THAI
SUPERVISORY PATENT EXAMINER